HON'BLE MR JUSTICE V. ESWARAIAH

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WRIT PETITION NO.2348 OF 2006

DATE:10.02.2006

Between:

Kankanampati Venkata Ravi

..... PETITIONER

AND

Kakinada Municipal Corporation, rep.

by its Commissioner, Kakinada, East

Godavari District and another.

.....RESPONDENTS

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WRIT PETITION NO.2348 OF 2006

ORDER

Heard the learned counsel for the petitioner as well as learned Standing Counsel for respondents.

Petitioner submits that he is the owner of the building bearing No.28-1-26, situated at Main road, Kakinada, East Godavari District and for the purpose of widening of the road, the respondent-Corporation is threatening to demolish a portion of the said building and take away part of the land. It is stated that the respondent being a Municipal Corporation, under Sections 146 and 147 of the Municipal Corporation Act, the property of the petitioner cannot be taken away for any purpose without following due procedure prescribed under law by acquiring the land and building either by way of Private Negotiations or by way of initiating proceedings under Section 147 of the Municipal Corporation Act.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish any portion of the building or take away any part of the land of the petitioner without following due procedure laid down under Municipal Corporation Act.

With the above direction, the Writ Petition is disposed of. No costs.

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V. ESWARAIAH,J

10th FEBRUARY, 2006

Tsr.